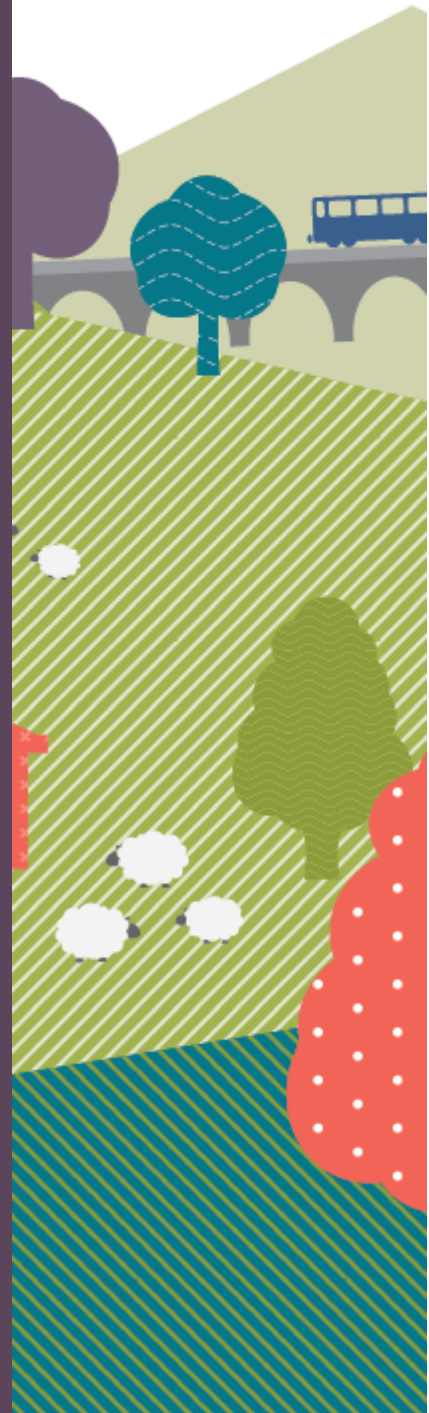


An
Bord
Pleanála

Requesting an Oral Hearing on a Planning Appeal

April 2019



About this guide

This guide provides information on how to make an oral hearing request on a planning appeal case.

We have tried to make this guide as accurate and helpful as possible, however, it is not legal advice.

Data Protection

An Bord Pleanála uses your personal data only to provide our services as set out under relevant legislation.

To provide these services, we are required to collect certain personal data such as names, addresses and site descriptions. We will use any extra personal data that you voluntarily supply to meet statutory requirements to carry out our duties and functions.

You should note that the personal data you supply will be circulated to other relevant parties and made available in the public domain about any matter before An Bord Pleanála. This use complies with the General Data Protection Regulation (GDPR).

NALA has awarded this document its Plain English Mark.



Contents

About this guide	2
Contents	3
Terms	4
Before requesting an oral hearing	6
What is an oral hearing?	6
When does An Bord Pleanála hold an oral hearing?.....	6
Who can request a hearing?	6
How much time do I have to make an oral hearing request?	6
Can I make an oral hearing request after I have made my appeal?	7
Making a request	8
How do I request an oral hearing?	8
How much does an oral hearing request cost?	8
How can I pay for my oral hearing request?	8
Where do I send or deliver my oral hearing request?	9
After you make your request	10
What happens after I have made my request?.....	10
The Board has decided to hold an oral hearing. What do I need to do?.....	10
The Board has decided not to hold an oral hearing. What happens next?	10
Frequently asked questions	11
Legislation	12
Contact us	12

Terms

Some terms we use in this guide are:

Act	A law that has been passed by the Oireachtas (parliament) and approved by the President.
Agent	A person who acts on your behalf in an appeal, application or referral.
Appeal	A review of the original decision on a planning application made by a planning authority.
Appellant	An individual or organisation who makes an appeal (See also First Party, Third Party).
Applicant	An individual or organisation who makes a planning application to a planning authority (See also First Party).
Board	The Board of An Bord Pleanála.
First party	The person who applies for planning permission for a proposed development (See also Applicant).
Inspector	A technical member of staff who makes site inspections, prepares a report on the planning case and makes a recommendation to the Board to grant or refuse permission.
Invalid	Does not meet all of the statutory requirements needed by law and regulations to be considered as a case.
Observer, Observation	Any person, other than the applicant or an appellant, who comments on an appeal (See also Submission).

Oral hearing	An oral hearing is a public meeting to allow relevant issues in a case to be discussed and examined.
Planning authority	The local authority – county council, city council, or county and city council – responsible for planning in its area.
Regulations	A law or rules made by an Act or sometimes a government minister.
Statutory	Something that is decided, set up or controlled by statute law. Statute law is a law passed by parliament.
Statutory requirements	Requirements needed by law for a case to be valid.
Submission	A document on appeals or applications which may include supporting materials such as photographs, plans, drawings and technical guidance. (The document can be typed or handwritten.)
Third party	A person appealing the decision of a planning authority on a proposed development other than the person who made the original planning application (See also Appellant).
Valid	Meets all statutory requirements needed by law and regulations to be considered as a case.
We, our, us	An Bord Pleanála.
You	You as a person, company, group, organisation or State authority.

Before requesting an oral hearing

What is an oral hearing?

An oral hearing is a public meeting to allow relevant issues in a case to be discussed and examined. Anyone can attend, but only participants who are taking part in the case can be involved in the discussion. An Bord Pleanála sometimes holds an oral hearing to help our inspector gather more information on a planning appeal case from participants. It is not formal or legal in design or practice.

When does An Bord Pleanála hold an oral hearing?

The Board normally decides to hold an oral hearing if it believes it would be helpful to understand a particularly complex case. Oral hearings can also be held where the Board considers there to be significant national, regional or local issues involved. The Board can decide to hold an oral hearing with or without someone requesting it.

Who can request a hearing?

Only the applicant, appellant or planning authority involved in the appeal can request an oral hearing.

How much time do I have to make an oral hearing request?

There are **strict time limits** on making an oral hearing request:

If you are making an appeal and also requesting an oral hearing,

your oral hearing request must be made **within four weeks** beginning on the date the planning authority made the decision.

Example

If the planning authority makes a decision on **Thursday 11 April**, the last day we can receive your oral hearing request is **Wednesday 8 May**.

Today						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1
2	3	4	5	6	7	8

If you have received a copy of an appeal or appeals and want to request an oral hearing,

you can request an oral hearing within **four weeks** from the date we sent you the copy of the last appeal.

Example

If we write to you with a copy of the last appeal on **Wednesday 2 August**, the last day for us to receive your oral hearing request will be **Tuesday 29 August**.

Today						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
29	30	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
1	2	3	4	5	6	7

You can contact us if you want help to work out the last day for making your request. There are different rules about time limits between December 24 and January 1 (inclusive) which can affect the last date.



An Bord Pleanála cannot accept late requests.

It is your responsibility to make sure that we receive your oral hearing request within the required time limits.

Can I make an oral hearing request after I have made my appeal?

Yes, you can make an oral hearing request after you have sent or delivered your appeal. To make a request your appeal must be valid, and you must meet all the requirements for a valid request. Your oral hearing request must also be received within four weeks beginning on the date the planning authority made the decision.

Making a request

How do I request an oral hearing?

To request an oral hearing depends on your situation:

If you are an appellant making an appeal,

you can request an oral hearing by:

- ticking the box that states “yes, I wish to request an oral hearing” on the oral hearing request on the Planning Appeal Form (part 9), **or**
- writing to ask for one with your appeal.

If you are an appellant that has already submitted a valid appeal,

you can request an oral hearing by writing to us.

If you are replying to an appeal that we have sent you,

you can request an oral hearing by writing to us.

How much does an oral hearing request cost?

An oral hearing request costs €50. This is **not refundable**.

How can I pay for my oral hearing request?

There are many ways you can pay a fee to An Bord Pleanála.

Method of paying	In person at our reception	In the post
Cash	✓ Accepted	We advise you not to send cash in the post.
Debit and Credit Cards	✓ Accepted	✗ Not accepted
Cheques	✓ Accepted	✓ Accepted
Bankers Drafts	✓ Accepted	✓ Accepted
Postal Orders	✓ Accepted	✓ Accepted

Where do I send or deliver my oral hearing request?

You must:

- post it to:
The Secretary, An Bord Pleanála, 64 Marlborough Street,
Dublin 1, D01 V902,



or

- deliver it in person to a member of An Bord Pleanála staff at our office in Marlborough Street (address above) during office hours - Monday to Friday from 9.15am to 5.30pm. Please note that the security staff in our office cannot accept oral hearing requests.



Remember, do **not** place your oral hearing request in the letterbox of our office and **do not** email it to us, as your request will be **invalid**.

We are closed on weekends, public holidays and other publicised days such as Christmas Day and Good Friday.

After you make your request

What happens after I have made my request?

When you request an oral hearing, we send the case file to one of our inspectors. The inspector will review the case. They will then recommend to the Board if an oral hearing should be held. The Board will consider the case file, the request and the inspector's recommendation. The Board will use its power to decide to grant or refuse an oral hearing. The Board's decision on the oral hearing request is final. After this, we will write to you and all participants in the appeal with the decision.

The Board has decided to hold an oral hearing. What do I need to do?

We will write to you with the details of the oral hearing and invite you to attend. Please read this letter carefully. The letter will be sent to you at least 5 working days before the day the oral hearing starts. When the oral hearing has been arranged, we will also publish the details on our website. Further information about oral hearings is available in our oral hearing guide.

The Board has decided not to hold an oral hearing. What happens next?

If the Board has decided **not** to hold an oral hearing, the appeal will be then sent to one of our inspectors. The inspector will consider all documentation on the case and will normally visit the site. After the site visit, the inspector prepares a report and recommendation for the Board. The Board will then make a decision based on all the documentation on the case.

Frequently asked questions

Can I make the oral hearing request online?

No. It is **not** currently possible to make the oral hearing request online.

Can I pay the fee over the telephone by debit or credit card?

No. We cannot accept fee payments over the telephone.

Can I email or fax the oral hearing request and send the fee in the post?

No. To make a valid oral hearing request, you need to send all the documents required and the appropriate fee. They **must** arrive together before the close of the 4-week period.

Can you accept a late oral hearing request?

No. By law, An Bord Pleanála cannot accept a late oral hearing request for any reason.

What if An Bord Pleanála's office is closed on the last day allowed for making an oral hearing request?

If the last date for us to receive an oral hearing request is on a weekend, public holiday or other day when our office is closed, we can receive your oral hearing request by 5.30pm on the next working day that our office is open. More details are available on our website.

Legislation

The laws and regulations referred to in this document are:

- Planning and Developments Act 2000, as amended,
- Planning and Development Regulations 2001, as amended.

Contact us

If you want a copy of this document in a different format or if you need more information, please contact An Bord Pleanála.

Visit our offices at:	An Bord Pleanála
Write to us at:	64 Marlborough Street Dublin 1 D01 V902
Telephone us on:	(01) 858 8100 or LoCall: 1890 275 175
Email us at:	bord@pleanala.ie
Visit our website:	www.pleanala.ie
Send us a fax on:	(01) 872 2684

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